

confidence in the combined wisdom of their action and asks that they recommend such actions and changes in the Ranger Service, its personnel, and its future operations, believing that this Committee will serve the purpose for which the Adjutant General asks for, if it will give the public and the Legislature the benefit of what has been developed herein, and which he knows will be done to the benefit of the Ranger Service in the future, and the honor of our State.

Respectfully,

JAS. A. HARLEY,
The Adjutant General, State of Texas.

TWENTY-EIGHTH DAY.

Senate Chamber.,
Austin, Texas, Feb. 20, 1919.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their name:

Alderdice.	Gibson.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Witt.
Faust.	Woods.
Floyd.	

Absent—Excused.

Williford.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Dorrough.

Excused.

Senator Williford was excused for all of this week on account of important business, on motion of Senator Witt.

Petitions and Memorials.

There were none today.

Standing Committee Reports.

See Appendix.

Bills and Resolutions.

By Senator Dudley:

S. B. No. 322, A bill to be entitled "An Act to amend Article 8125 of the Revised Civil Statutes of Texas, 1911, so as to authorize the appointment of special deputies to enforce the penal provisions of the laws relating to motor vehicles and their use on the public highways, and declaring an emergency."

Read first time, and referred to the Committee on Criminal Jurisprudence.

By Senator McNealus:

S. B. No. 323, A bill to be entitled "An Act to amend Sections 1, 2, 3, 6 and 8, Chapter 49, of the General Laws of the Thirty-fourth Legislature, by raising the age limit of compulsory attendance to fifteen years, raising the grade of exemptions from the fourth to the seventh grade, defining the power of district and county boards of trustees and of the State Superintendent of Public Instruction in the enforcement of the compulsory attendance law, and raising the compulsory attendance period from one to one hundred and twenty days."

Read first time, and referred to Committee on Educational Affairs.

By Senators Strickland, Faust, Dorrough, Hertzberg, Witt and Smith:

S. B. No. 324, A bill to be entitled "An Act to make it unlawful for any person employed as auditor or accountant or who may hereafter be employed to do auditing work for the State of Texas or any county, municipality or any legally authorized committee to knowingly make a false report of their findings, prescribing a penalty, and declaring an emergency."

Read first time, and referred to Committee on Criminal Jurisprudence.

By Senators Strickland, Witt, Faust, Dorrough, Hertzberg, Smith:

S. B. No. 325, A bill to be entitled "An Act to make it unlawful for any civil engineer, employed by the State

of Texas, any county or municipality, to draft or approve plans, calculate bids or advise in regard to the construction of and cost of any kind of public improvements, to knowingly make a false report to said employer in regard to said work or bids, and declaring an emergency."

Read first time, and referred to Committee on Criminal Jurisprudence.

By Senator Carlock:

S. B. No. 326, A bill to be entitled "An Act to provide for the organization, incorporation and admission, and the regulation, taxation and control of incorporated mutual insurance companies, other than life; repealing all laws in conflict herewith, with certain exceptions; and declaring an emergency."

Read first time, and referred to Committee on Insurance and Banking.

By Senator Witt:

S. B. No. 327, A bill to be entitled "An Act to amend Sections 1, 4 and 13 of Chapter 44, General Laws passed at the First Called Session of the Thirty-fifth Legislature, by changing one limit of meeting, by providing that teachers of State institutions may serve on the Text-Book Commission, that further contracts shall be so arranged that contracts for not more than one-sixth of the total number of different adopted books shall expire in any year, that not more than one-sixth of the total number of different adopted books can be changed in any one year, and providing a reasonable bond for supplementary books."

Read first time, and referred to Committee on Educational Affairs.

By Senator Dean:

S. B. No. 328, A bill to be entitled "An Act to amend Section 25, Chapter 12, General Laws of the First Called Session of the Thirty-fifth Legislature, approved May 17, 1917, so as to provide that the Commissioners' Court of a county not having a resident licensed veterinarian may appoint and designate a person resident of said county to administer hog cholera virus without first securing a permit for the use of same from the Live Stock Sanitary Commission of Texas, and declaring an emergency."

Read first time, and referred to

Committee on Stock and Stock Raising.

By Senator Hertzberg:

S. B. No. 329, A bill to be entitled "An Act to amend Article 1936, Chapter 12, Title 37, of the Revised Civil Statutes of the State of Texas of 1911, relating to judgments by default, and declaring an emergency."

Read first time, and referred to Committee on Civil Jurisprudence.

By Senator Dean:

S. B. No. 330, A bill to be entitled "An Act to amend Article 1861 of the Revised Civil Statutes of the State of Texas of 1911, by adding thereto a method of securing service of citation or other process or foreign corporations, joint stock companies or associations, or acting corporations or associations, and declaring an emergency."

Read first time, and referred to Committee on Civil Jurisprudence.

House Bill No. 1.

The Chair laid before the Senate on third reading:

H. B. No. 1, A bill to be entitled "An Act to regulate the practice of dentistry or dental surgery in the State of Texas, providing for the examination and registration of persons desiring to practice dentistry and dental surgery, and the issuance of license therefor, prescribing the qualifications of the Board of Examiners, prescribing fees that may be charged for registration, making it unlawful for any person not licensed under the provisions of this Act to practice dentistry, defining a reputable college or school, providing for registration of persons who have been engaged in the practice of dentistry in other States, for the revocation of license granted by the Board of Examiners upon satisfactory evidence of misconduct on the part of the licensee, for the exhibition of his or her license by persons engaged in the practice of dentistry; prohibiting any person from advertising or soliciting business under any other than his or her proper and legal name; prescribing the fees to be charged by the Board of Examiners for examination fees; penalties for the violation of any of the

provisions of this Act; repealing all laws or parts of laws in conflict with this Act, and declaring an emergency."

On motion of Senator Clark the bill was laid on the table subject to call.

House Joint Resolution No. 7.

The Chair laid before the Senate on third reading:

H. J. R. No. 7, Being a resolution to be entitled "A Joint Resolution of the Legislature of the State of Texas, proposing an amendment to the Constitution of the State by adding to Article 16 thereof a new section to be known as Section 60, providing for the compensation of public officials."

The resolution was laid before the Senate, read third time and, on motion of Senator Woods, was passed by the following vote:

Yeas—23.

Alderdice.	Hertzberg.
Bailey.	Johnston.
Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Carlock.	Smith.
Clark.	Strickland.
Cousins.	Suiter.
Dorough.	Westbrook.
Dudley.	Witt.
Floyd.	Woods.
Hall.	

Nays—6.

Buchanan of Bell.	Faust.
Dayton.	Gibson.
Dean.	Hopkins.

Absent—Excused.

Williford.

House Bill No. 351.

The Chair laid before the Senate on third reading:

H. B. No. 351, A bill to be entitled "An Act creating the Goose Creek Independent School District in the county of Harris, State of Texas, defining its boundaries and divesting the bodies politic now controlling the same of the title of all property now held and used for public school purposes within the territory within this act describing and investing the

same in the Goose Creek Independent School District, providing for the election of a board of trustees to manage and control the public free schools within said district and investing the said district with the rights, powers, privilege and duties of a town or village incorporated for free school purposes only under the general laws, and declaring an emergency."

The bill was laid before the Senate read third time and, on motion of Senator Johnston, was passed by the following vote:

Yeas—27.

Alderdice.	Hall.
Bailey.	Hertzberg.
Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Cousins.	Parr.
Dayton.	Smith.
Dean.	Strickland.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Witt.
Floyd.	Woods.
Gibson.	

Absent.

Buchanan of Bell. Clark.

Absent—Excused.

Williford.

House Bill No. 276.

The Chair laid before the Senate on third reading:

H. B. No. 276, A bill to be entitled "An Act creating the Katy Independent School District in the counties of Harris, Waller and Fort Bend, State of Texas, defining its boundaries, etc., and declaring an emergency."

The bill was laid before the Senate, read third time and, on motion of Senator Johnston, was passed by the following vote:

Yeas—27.

Bailey.	Clark.
Bell.	Cousins.
Buchanan of Scurry.	Dayton.
Caldwell.	Dean.
Carlock.	Dorough.

Dudley.	Page.
Faust.	Parr.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Hertzberg.	Westbrook.
Hopkins.	Witt.
Johnston.	Woods.
McNealus.	

Absent.

Alderdice. Buchanan of Bell.

Absent—Excused.

Williford.

House Bill No. 342.

The Chair laid before the Senate on third reading:

H. B. No. 342, A bill to be entitled "An Act to incorporate Cain City Independent School District in Gillespie county, Texas, providing for the exercise of all powers and privileges incident and belonging to Independent School Districts, and declaring an emergency."

The bill was laid before the Senate, read third time and, on motion of Senator Hertzberg, was passed by the following vote:

Yeas—27.

Alderdice.	Gibson.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	Page.
Clark.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Witt.
Faust.	Woods.
Floyd.	

Absent.

Buchanan of Bell. McNealus.

Absent—Excused.

Williford.

House Bill No. 200.

The Chair laid before the Senate on third reading:

H. B. No. 200, A bill to be entitled

"An Act to amend Article 7235, Chapter 6, Title 124, Revised Civil Statutes of Texas, 1911, as amended by Chapter 72 General Laws of the Thirty-third Legislature and Chapters 26 and 99 General Laws of the Thirty-fourth Legislature, and Chapter 131, General Laws of the Thirty-fifth Legislature, and Chapter 10 of the Third Called Session of the Thirty-fifth Legislature, and Chapter 13 of the Fourth Called Session of the Thirty-fifth Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include Archer, Hemphill, Roberts, Gray and Madison counties, and declaring an emergency."

Senator Bell offered the following amendment:

Amend House Bill No. 200, Section 1 thereof by adding thereto the following:

Provided, further, that the provisions of this Act shall not apply to Lipscomb county as a whole, but shall apply only to such subdivisions thereof as may be designated in the manner herein provided.

On motion of Senator Bailey the bill with pending amendment was laid on the table subject to call.

House Bill No. 246.

The Chair laid before the Senate on third reading:

H. B. No. 246, A bill to be entitled "An Act to amend Section 9, Chapter 20 of the Local and Special Laws, passed by the Fourth Called Session of the Thirty-fifth Legislature being 'An Act to amend Section 9, of Chapter 17, Special Laws, passed at the First Called Session of the Thirty-third Legislature, entitled 'San Patricio County Road System—Creating,' authorizing said county or any political subdivision or defined district thereof to issue bonds not exceeding forty years from date of issuance, with such option of redemption as may be fixed by the commissioner scourt, etc., and declaring an emergency.'"

The bill was laid before the Senate, read third time and, on motion of Senator Parr, was passed by the following vote:

Yeas—25.

Alderdice.	Hall.
Bailey.	Hertzberg.
Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Dayton.	Parr.
Dean.	Smith.
Dorough.	Strickland.
Dudley.	Suiter.
Faust.	Westbrook.
Floyd.	Witt.
Gibson.	

Absent.

Buchanan of Bell.	Cousins.
Clark.	Woods.

Absent—Excused.

Williford.

Senate Bill No. 98.

The Chair laid before the Senate on third reading:

S. B. No. 98, A bill to be entitled "An Act to amend Article 4859, Title 71, Chapter 7, relating to reports of local insurance associations of the Revised Civil Statutes, 1911, of the State of Texas, so as to read hereafter as follows."

The bill was laid before the Senate, read third time and, on motion of Senator Buchanan of Scurry, was passed by the following vote:

Yeas—23.

Alderdice.	Hertzberg.
Bailey.	Hopkins.
Bell.	Johnston.
Buchanan of Scurry.	McNealus.
Dayton.	Page.
Dean.	Parr.
Dorough.	Smith.
Dudley.	Strickland.
Faust.	Suiter.
Floyd.	Westbrook.
Gibson.	Witt.
Hall.	

Present—Not Voting.

Carlock.

Absent.

Buchanan of Bell.	Cousins.
Caldwell.	Woods.
Clark.	

Absent—Excused.

Williford.

Senate Bill No. 114.

The Chair laid before the Senate on third reading:

S. B. No. 114, A bill to be entitled "An Act to fix the venue of suits for damages for libel and slander."

The bill was laid before the Senate, read third time and, on motion of Senator Johnston, was passed by the following vote:

Yeas—25.

Alderdice.	Hall.
Bailey.	Hertzberg.
Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Dayton.	Parr.
Dean.	Smith.
Dorough.	Strickland.
Dudley.	Suiter.
Faust.	Westbrook.
Floyd.	Witt.
Gibson.	

Absent.

Buchanan of Bell.	Cousins.
Clark.	Woods.

Absent—Excused.

Williford.

Simple Resolution 71.

Whereas, Simple Resolution passed the House, authorizing the speaker to appoint three members from the House to make a personal inspection of the Goodnight ranch and Buffalo and make a written report as to the wisdom and feasibility of taking over the aforesaid property and placing it under the jurisdiction of the Agricultural and Mechanical College as an Experiment Station for the breeding and feeding of live stock,

Therefore Resolved, That the President of the Senate appoint two members of the Senate to accompany said Committee for the purpose of ascertaining any information that might be a benefit to the Senate, and the actual necessary expenses incurred by the Committee making said visit be paid out of the contingent fund of the Senate.

BELL,

DAYTON.

Read and referred to the Committee on Stock and Stock Raising.

Senate Bill No. 62.

Senator McNealus called up and the Chair laid before the Senate on second reading:

S. B. No. 62, Being a bill to be entitled "An Act to amend Article 1428 and to repeal Article 1429, Title 17, Chapter 18, of the Penal Code of Texas relating to obtaining board and lodging under false pretenses or obtaining any property or thing of value or the making, uttering or delivery of any check, draft or order in payment of any obligation to defraud; to fix the punishment, to prescribe a rule of evidence of prosecution, to make the law cumulative, and to declare an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator McNealus, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 62 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Gibson.
Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	McNealus.
Cousins.	Page.
Dayton.	Parr.
Dean.	Smith.
Dorough.	Strickland.
Dudley.	Suiter.
Faust.	Westbrook.
Floyd.	Witt.

Absent.

Bailey.	Hall.
Buchanan of Bell.	Woods.
Clark.	

Absent—Excused.

Williford.

The bill was laid before the Senate, read third time and, on motion of Senator McNealus, was passed by the following vote:

Yeas—23.

Alderdice.	Hertzberg.
Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Dean.	Parr.
Dorough.	Smith.
Dudley.	Strickland.
Faust.	Suiter.
Floyd.	Westbrook.
Gibson.	Witt.
Hall.	

Absent.

Bailey.	Cousins.
Buchanan of Bell.	Dayton.
Clark.	Woods.

Absent—Excused.

Williford.

Senate Bill No. 63.

Senator McNealus called up and the Chair laid before the Senate on second reading:

S. B. No. 63, Being a bill to be entitled "An Act to amend Title 7, of Chapter 4, Code of Criminal Procedure, by adding thereto Article 541a relating to the manner of enforcing the attendance of witnesses where money, property or other things of value has been obtained under false pretenses or by uttering or delivering any check, draft or order in payment of any obligation with the intention to defraud; to prescribe the manner in which witnesses may be required to attend trial; to provide for their pay, and to declare an emergency."

Senator Dean offered the following amendment which was read and adopted:

Amend the bill line 18, page 1, by adding after the word "subpoena" the following: "in a misdemeanor case."

The bill was read second time and passed to engrossment.

On motion of Senator McNealus, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 63 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Hall.
Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	McNealus.
Dayton.	Page.
Dean.	Parr.
Dorough.	Smith.
Dudley.	Suiter.
Faust.	Westbrook.
Floyd.	Witt.
Gibson.	

Absent.

Bailey.	Cousins.
Buchanan of Bell.	Strickland.
Clark.	Woods.

Absent—Excused.

Williford.

The bill was laid before the Senate, read third time and, on motion of Senator McNealus, was passed by the following vote:

Yeas—24.

Alderdice.	Hall.
Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	McNealus.
Dayton.	Page.
Dean.	Parr.
Dorough.	Smith.
Dudley.	Strickland.
Faust.	Suiter.
Floyd.	Westbrook.
Gibson.	Witt.

Present—Not Voting.

Buchanan of Bell. Woods.

Absent.

Bailey.	Cousins.
Clark.	

Absent—Excused.

Williford.

Senate Bill No. 35.—Special Order.

The Chair laid before the Senate, by unanimous consent, on second reading:

S. B. No. 35, A bill to be entitled "An Act to amend Article 5243, of Chapter 1, Title 77, of the Revised Civil Statutes of the State of Texas of 1911, as amended by Chapter 115, Acts of the Thirty-third Legislature of 1913, and Chapter 48, Acts of the Thirtieth Legislature of 1913, and Chapter 48, Acts of the First Called Session of the Thirty-fifth Legislature of 1918, being an Act fixing the salary of the Commissioner of the Bureau of Labor Statistics, his assistants and inspectors, prescribing the manner in which salaries shall be paid, and providing for office and traveling expenses for officers and employes in the bureau; making an appropriation for additional salaries and expenses for the bureau for the remaining part of the fiscal year ending August 31, 1919, and declaring an emergency."

On motion of Senator McNealus, the bill was set as a special order

for next Wednesday at the conclusion of the morning call.

Senate Bill No. 129.

The Chair laid before the Senate, on second reading:

S. B. No. 129, A bill to be entitled "An Act providing for the nomination of candidates in primary elections in this State, at an election, providing for 'first' and 'second choice' at same primary election; providing form of ballot to be used at primary elections; providing how candidates may have their names placed on the ballot; providing how first and second choice votes shall be counted, etc."

On motion of Senator Dayton the bill was laid on the table subject to call, and with notice that it will be called up tomorrow.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 20, 1919.

Lieutenant Governor W. A. Johnson,
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 118, A bill to be entitled "An Act to provide for the purchase and distribution by the State of free text books to the public school children of the State of Texas, making it the duty of the State Board of Education to purchase said books from a fund set aside each year out of the available school fund of the State; providing the procedure to be followed in purchase of said books and their distribution through the State agencies or depositories which all parties with whom the State has made text book contracts are required to maintain, and through the district boards of school trustees or their legally appointed representatives; providing the method of ascertaining the scholastics for purposes of free text book distribution; prescribing the duties of district boards of school trustees and of the State Board of Education and the State Superintendent of Public Instruction under the Act; providing for delivery to school trustees of books used previously to 1919, to give to the

State the advantage of exchange price on books; providing that such books shall remain the property of the State and for the disposition of worn-out books; providing the method to be followed by teachers and principals in procuring books for their pupils; requiring teachers and school officers to make reports of their use, care and condition of such text books, and providing that the salary of any teacher or employe who neglects may be withheld; providing that the State Superintendent may make rules for the requisition, distribution, care, use and disposal of such books, and that the local boards and school trustees shall have the power to make rules for local application; providing for the placing of printed labels on such books and numbering the same and for the safe keeping of a record of all books issued to each pupil; providing for the fumigation of all books before re-issuance; authorizing the sale of books to parents and pupils and to institutions of learning; providing that all moneys accruing from the sale of books and from other sources shall become a part of the State text book fund; providing for the handling of complaints with reference to the prompt delivery of school books and for requisitions for supplementary books; providing that the State Superintendent of Public Instruction shall notify all persons holding contracts with the State for school books that the State has taken over the contracts under the terms thereof and in accordance with the laws of the State; fixing a penalty for a violation of the Act, and providing that the furnishing of the pupil with free text books shall not begin under this Act until the commencement of the scholastic year of 1919-20, and declaring an emergency."

With amendments.

Respectfully submitted,

T. B. REESE,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 20, 1919.

Lieutenant Governor W. A. Johnson,
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 349, A bill to be entitled "An Act to create a special road law for Austin County, and providing for levying and collecting a road tax, au-

thorizing the Commissioners' Court of said county to employ road superintendents and laborers on the public roads thereof, providing for penalties and the enforcement of this Act."

H. B. No. 378, A bill to be entitled "An Act to amend Sections 3, 6 and 12 of an Act passed by the Twenty-seventh Legislature, creating a more efficient road system for Coryell County, the same having been amended by Acts of the Thirtieth, Thirty-fourth and Thirty-fifth Legislatures."

H. B. No. 346, A bill to be entitled "An Act to increase the civil jurisdiction of the County Court of Haskell County, and declaring an emergency."

H. B. No. 436, A bill to be entitled "An Act to levy and collect annually a three dollar road tax against all able-bodied citizens of Rusk County who are between the ages of twenty-one and sixty years; providing the manner of assessment and collection of said tax, and further providing for a penalty for failure or refusal to pay such tax, repealing all laws in conflict therewith, and declaring an emergency."

H. B. No. 425, A bill to be entitled "An Act providing that all persons legally liable for road duty in Harde-man County be, and they are hereby, given the right and privilege to pay to the County Treasurer of said county the sum of three dollars on or before the first day of February of each year in lieu of actual work on said roads, and in the event that such parties shall pay said sum of money to the Treasurer of said county, at a time herein stipulated, they shall be exempted from road duty for said year for which said sum of money is paid; provided that the money so collected from such persons shall be expended by the Commissioners' Court of said county in the road precinct where the parties resided at the time of the payment of same, and declaring an emergency."

H. B. No. 423, A bill to be entitled "An Act increasing the salary of the official court reported for the Fourth Judicial District of Texas to the sum of eighteen hundred (\$1800.00) dollars per annum; providing the manner of payment of such salary, and declaring an emergency."

H. B. No. 239, A bill to be entitled "An Act to permit defendants, in

cases in which requisitions have been issued for them by the Governor, and where they appeal their case to the Court of Criminal Appeals, to give bond the same as defendants in other felony cases, and declaring an emergency."

H. B. No. 403, A bill to be entitled "An Act creating the Ingleside Independent School District, situated in Young County; defining its metes and bounds; vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the General Laws; providing for a board of trustees thereof, and declaring an emergency."

H. B. No. 387, A bill to be entitled "An Act to create a more efficient road system for Grayson County, in the State of Texas,"

With engrossed rider.

H. B. No. 381, A bill to be entitled "An Act to authorize and empower Titus County or any political subdivision or defined district of said county, by a vote of two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision or defined district thereof, voting thereon, to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such political subdivision or defined district, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof and for the maintenance of said roads during the life of such bonds for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, and to repeal Chapter 3 of the Special Acts of the Thirty-first Legislature and Chapter 15 of the Special Acts of the Thirty-second Legislature and all other special road laws for Titus County, and declaring an emergency."

H. B. No. 413, A bill to be entitled "An Act creating an independent school district to be known as the 'White Deer Independent School District,' and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect special taxes, and to pay current expenses for the maintenance and support of

said schools, and providing that the present board of trustees of the Common School District No. 7 of Carson County shall have full control and management of said independent school district until next regular trustees' election; and providing a method for filling vacancies occurring in said board; providing for a board of equalization, and prescribing the duty and authority of said board of trustees, and repealing all laws in conflict herewith, and declaring an emergency."

With engrossed rider.

H. B. No. 391, A bill to be entitled "An Act to create a more efficient road system for the county of Newton and State of Texas, and making the county commissioners of said county ex officio road superintendents and prescribing their duties as such, and providing for their compensation as such commissioners, and providing for the working of county convicts upon the public roads of said county, and providing for the amount of compensation in road time to be allowed by overseers to road hands for teams and road work; and providing for the condemnation of land for public road purposes; and providing further, making this law cumulative of the general laws, and in case of conflict this law is to govern as to Newton County, Texas; and fixing the penalty for the violation of this Act, and repealing all laws in conflict with this Act, and declaring an emergency."

Respectfully submitted,

T. B. REESE,

Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair, Lieutenant Governor Johnson, had referred, after their captions had been read, the following House bills:

House Bill No. 349 referred to the Committee on Roads, Bridges and Ferries.

House Bill No. 378, referred to the Committee on Roads, Bridges and Ferries.

House Bill No. 346, referred to Committee on Judicial Districts.

House Bill No. 436, referred to the Committee on Roads, Bridges and Ferries.

House Bill No. 425, referred to

the Committee on Roads, Bridges and Ferries.

House Bill No. 423, referred to the Committee on Judicial Districts.

House Bill No. 239, referred to the Committee on Criminal Jurisprudence.

House Bill No. 403, referred to the Committee on Educational Affairs.

House Bill No. 387, referred to the Committee on Roads, Bridges and Ferries.

House Bill No. 381, referred to the Committee on Roads, Bridges and Ferries.

House Bill No. 413, referred to the Committee on Educational Affairs.

House Bill No. 391, referred to the Committee on Roads, Bridges and Ferries.

Senate Bill No. 163.

The Chair laid before the Senate on second reading:

S. B. No. 163, "An Act to amend Section 7, House Bill No. 97, passed by the First Called Session of the Thirty-fifth Legislature, providing certain manner of marking bales of cotton ginned by each and every ginner, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Dorrough, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 163 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Faust.
Bailey.	Floyd.
Bell.	Gibson.
Buchanan of Bell.	Hall.
Buchanan of Scurry.	Hertzberg.
Caldwell.	Hopkins.
Carlock.	McNealus.
Clark.	Page.
Cousins.	Parr.
Dayton.	Smith.
Dean.	Strickland.
Dorough.	Westbrook.
Dudley.	Witt.

Nays—2.

Suiter.	Woods.
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Absent.

Johnston.

Absent—Excused.

Williford.

The bill was laid before the Senate, read third time and, on motion of Senator Dorrough, was passed finally.

Senate Bill No. 140.

The Chair laid before the Senate on second reading:

S. B. No. 140, A bill to be entitled "An Act to make appropriations for deficiencies in appropriations heretofore made for the support of the State Government for the fiscal years ending August 31, 1913; August 31, 1915, August 31, 1916 and August 31, 1919 to cover duly authorized deficiency claims registered in the office of the Comptroller of Public Accounts of the State of Texas, in accordance with law, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Westbrook, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 140 put on its third reading and final passage by the following vote:

Yeas—28.

Alderdice.	Floyd.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Witt.
Faust.	Woods.

Absent.

Gibson.

Absent—Excused.

Williford.

The bill was laid before the Senate, read third time and, on motion of Senator Westbrook, was passed by the following vote:

Yeas—28.

Alderdice.	Floyd.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Witt.
Faust.	Woods.

Absent.

Gibson.

Absent—Excused.

Williford.

Senate Bill No. 19—Set as Special Order.

The Chair laid before the Senate on second reading Senate Bill No. 19, which was, on motion of Senator Dorough, set as a special order for immediately after recess today.

(Senator Smith in the Chair.)

Senate Bill No. 186.

The Chair laid before the Senate on second reading:

S. B. No. 186, A bill to entitled "An Act to provide for the sale, development and patenting of mineral deposits, placers, veins, lodes, or any rocks or aqueous solutions carrying metallic or non-metallic substances of value excepting oil, natural gas, coal and lignite that may be in any of the land of the public free school fund, University fund, the several Asylum funds, that may have been heretofore sold or disposed of by the State with the reservation of minerals therein or which may hereafter be sold with the reservation of minerals therein and all of said lands as were purchased with a relinquishment of the minerals therein and all lands of which the mineral rights therein have or shall have reverted to the State of Texas and the said mineral substances that may be in any fresh water lake, salt water lake, bays, inlets, marshes, reefs islands,

and river beds and channels which belong to the State, repealing all laws in conflict with this Act, and declaring an emergency."

Senator Dean offered the following amendments which were read and adopted:

(1) Amend Senate Bill 186, page 1, line 26, by striking out the words "with a" and inserting in lieu thereof the following: "under laws providing for the".

(2) Amend Senate Bill No. 186, page 2, line 7, by adding after the word, "width" the following—"provided that a mining claim for sulphur shall not be confined to 1500 feet in length and 600 feet in width, but any single claim for sulphur may cover as much as 200 acres of land.

Senator McNealus moved that the bill be read and considered section by section.

The motion prevailed.

Senator Dean offered the following amendment:

Amend S. B. No. 186 by inserting the word "gross," before the word "production" line 21, page 5, and by striking out the word "net" before the word "smelter," line 22, page 5.

Senator Dudley moved to table the amendment and this motion prevailed by the following vote:

Yeas—14.

Bell.	Gibson.
Buchanan of Scurry.	Hertzberg.
Caldwell.	Hopkins.
Carlock.	Page.
Clark.	Parr.
Dayton.	Smith.
Dudley.	Strickland.

Nays—11.

Alderdice.	Floyd.
Bailey.	Johnston.
Cousins.	McNealus.
Dean.	Westbrook.
Dorough.	Witt.
Faust.	

Present—Not Voting.

Buchanan of Bell.	Woods.
Suiter.	

Absent.

Hall.

Absent—Excused.

Williford.

(Lieutenant-Governor Johnson in the chair.)

Senator Dean offered the following amendment which was read and adopted:

(3) Amend S. B. No. 186, page 5, line 24, by changing the period to a semi-colon and by adding the following: except that the royalty to be paid hereunder for sulphur shall be 5 per cent of the gross production.

S. B. No. 186, pending.

Recess.

At 12:30 o'clock p. m., the Senate, on motion of Senator Bailey, recessed until 2:30 o'clock today.

After Recess.

(Afternoon Session.)

The Senate was called to order by Lieutenant-Governor Johnson.

Senate Bill No. 19.

The Chair laid before the Senate as special order for this hour and on second reading:

S. B. No. 19, A bill to be entitled "An Act to regulate and supervise the sale and purchase in this State of stocks by any person, firm, corporation, joint stock company or other association of persons, firms, corporations, joint stock companies or other associations of persons, being organized and hereafter organized or proposed to be organized for profit; and to regulate and supervise the offering or contracting for sale and purchase of such stock, and to fix commissions and promotion fees allowed to be charged; and providing for service of process, examination fees and exempting certain corporations from the effect of this Act; providing penalty for the violation of the provisions of the Act, and declaring an emergency."

Senator Dorrough moved the adoption of the committee report carrying amendments.

The motion prevailed.

Senator Carlock offered the following amendments which were read and adopted, seriatim:

(1) Amend Committee Amendment to Senate Bill No. 19, page 11, line 30, by striking out lines 30, 31 and 32, and lines 1, 2 and 3 on page 12, and substitute the following:

"Twenty-five (\$25.00) Dollars where the issuance of stock sought to be authorized for sale hereunder shall be in an amount of One Hundred Thousand (\$100,000.00) Dollars or less; Fifty (\$50.00) Dollars where the amount of stock authorized for sale is over One Hundred Thousand (\$100,000.00) Dollars and less than Five Hundred Thousand (\$500,000.00) Dollars, and One Hundred (\$100.00) Dollars filing fee where the amount of stock sought to be placed on sale is in excess of Five Hundred Thousand (\$500,000.00) Dollars; said fees to be turned in to the State Treasury, as other fees of office.

(2) Amend Senate Bill No. 19, page 5, lines 26 and 27, by striking out the figures "(\$100.00)" after the word "thousand," the first word in line 26, and inserting the numerals "(\$1000.00)."

Strike out the words "one hundred thousand" in line 26, and the figures "\$100,000.00" in line 27, and insert in lieu thereof the words and figures "Fifty thousand (\$50,000.00)".

(3) Amend Committee Substitute to Senate Bill No. 19, page 12, line 8, by inserting before the word "joint" the following:

"Issued to any corporation."

Amend line 10, on same page, by inserting before the word "granted" the word "nor."

Amend line 26, on same page, by striking out the word "purchased" before the words "such business" and insert the word "pursue."

(4) Amend Senate Bill 19, Page 2, line 3, by striking out the word "poration" and insert the following: "tion or joint stock companies or associations."

Amend line 10, page 2, Section 2, of said bill by adding after the last word in said line the word "may."

Amend Senate Bill 19, page 5, line 8, by striking out the last word in said line and substitute in lieu thereof the word "previously."

Amend Senate Bill 19, page 6, line 4, of Section 5, by striking out, after the syllable "tion" in said line, the balance of the said line, and insert in lieu thereof the following: "Said bond shall be made by a surety"

Amend Senate Bill 19, page 6, at the end of line 6, Section 4, by adding the following:

"Said bond shall run for the period of one year from the date of its approval and shall be renewed annually, as long as the person, association, joint stock company or corporation, shall continue in the business of selling, or offering to sell, their stocks in this State. All suits based upon a breach of any of the conditions of said bond shall be barred, if not brought within twelve months after the accrual of the cause of action, growing out of the same."

Senator Carlock offered the following amendment:

Amend Senate Bill 19, page 9, line 28, by adding after the word "same" and before the words "and who" the following:

"Or who acquires said stock by foreclosure proceedings or in the payment of valid indebtedness."

Senator Dorrough moved to table the amendment and this motion prevailed by the following vote:

Yeas—19.

Alderdice.	Hertzberg.
Bell.	Hopkins.
Buchanan of Bell.	Page.
Buchanan of Scurry.	Parr.
Clark.	Smith.
Cousins.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Floyd.	Witt.
Gibson.	

Nays—5.

Carlock.	Faust.
Dayton.	Woods.
Dudley.	

Present—Not Voting.

Bailey.	Hall.
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Absent.

Caldwell.	McNealus.
Johnston.	

Absent—Excused.

Williford.

Senator Witt offered the following amendments which were read and adopted:

(5) Amend Senate Bill 19 by adding after the word "stock" in line 14, page 6, the following words

"organization or properties thereof."

(6) Amend Senate Bill 19, by striking out the word "at," line 28, page 5, and substitute the word "and" and by striking out the word "price" in line 3, page 5, and substitute the word "stock," and by adding after the word "be" in line 11, page 5, words "required to comply with the terms of this Act before they are."

(7) Amend Senate Bill 19, by adding the word "is" after the word where it appears for the second time in line 4, page 3, and by adding the word "proposed" after the word "such" in line 6, page 3, and by striking out the word "commission" in line 17, page 3, and substituting the words "secretary or the commissioner."

Strike out the word "if" in line 22, page 3.

The bill was read second time and passed to engrossment.

On motion of Senator Dorrough, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 19 put on its third reading and final passage by the following vote:

Yeas—27.

Alderdice.	Floyd.
Bailey.	Gibson.
Bell.	Hall.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Page.
Carlock.	Parr.
Clark.	Smith.
Cousins.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Witt.
Dudley.	Woods.
Faust.	

Absent.

Johnston.	McNealus.
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Absent—Excused.

Williford.

The bill was laid before the Senate, read third time and, on motion of Senator Dorrough, was passed by the following vote:

Yeas—22.

Alderdice.	Buchanan of Bell.
Bailey.	Buchanan of Scurry.

Caldwell.	Floyd.
Carlock.	Hall.
Clark.	Hertzberg.
Cousins.	Hopkins.
Dayton.	Page.
Dean.	Strickland.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Woods.

Nays—1.

Bell.

Absent.

Gibson.	Parr.
Johnston.	Smith.
McNealus.	Witt.

Absent—Excused.

Williford.

Senate Bill No. 118.—House Amendments Concurred In.

Senator Dayton called up for consideration of the House Amendments to Senate Bill No. 118, The Free Text-book Bill.

The House Amendments were laid before the Senate, read and on motion of Senator Dayton the same were concurred in by the following vote:

Yeas—24.

Alderdice.	Faust.
Bailey.	Gibson.
Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Page.
Carlock.	Parr.
Clark.	Smith.
Cousins.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Witt.
Dudley.	Woods.

Present—Not Voting.

Buchanan of Bell.

Absent.

Floyd.	Johnston.
Hall.	McNealus.

Absent—Excused.

Williford.

The amendments as concurred in in full are as follows:

Amend No. 1.

Amend Senate Bill No. 118 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. The State Board of Education is hereby authorized and empowered and it is made its duty to purchase books from the contractors of text books used in public free schools of this State and to distribute the same without other cost to the pupils attending such schools within this State in the manner and upon the conditions hereinafter set out.

Section 2. That in order to carry out the provisions of this Act, the State Board of Education shall annually, at a meeting designated by them each year, set apart out of the available free school fund of the State an amount sufficient to purchase and distribute the necessary school books for the use of the pupils of this State for the scholastic year ensuing.

Section 3. The State Text Book Fund of this State shall consist of the fund set aside by the State Board of Education from the available school fund as is provided for in Section 2 of this Act, together with all funds accruing from the sale of disused books and all moneys derived from the purchase of books from boards of school trustees by private individuals, by schools, or from any other source.

Section 4. The State Board of Education shall require from the State Superintendent, on July first of each year, a report as to the funds necessary for the purchase and distribution and other necessary expenses of school books for the regular school session of the following year, and said Board of Education shall have the power to set apart from the available school fund the estimated amount with 25 per cent additional, this additional sum to be used only to meet emergencies or necessities caused by unusual increase in scholastic attendance or by unusual and unforeseen expenses and school conditions. Funds transferred to the Text book fund shall remain permanently in this fund, until expended and shall not lapse to the State at the close of the fiscal year; provided, that the State Superintendent of Public Instruction shall be required to include in the aforementioned report to the State Board of

Education a statement as to the amount of this fund which is unexpended, and said amount shall be considered by the Board in determining the necessary expenditures for text books for the following year.

Section 5. The purchase and distribution of free text books for the State shall be under the management of the State Superintendent of Public Instruction, subject to the approval of the State Board of Education. All details of plans for purchase and distribution of books not definitely covered by the provisions of this law shall be subject to the laws of the State and approval of the State Board of Education.

Section 6. All parties with whom book contracts have been made shall establish and maintain in some city in the State a depository where a stock of their goods to supply all immediate demands shall be kept; all contractors not maintaining their own individual or separate State agencies or depositories shall maintain a joint agency or depository to be located at some suitable and convenient distributing point, at which general depository each contractor joining in said agency shall keep on hand a sufficient stock of books to supply the schools of the State. Boards of School Trustees of every school district of the State, or their legally appointed representatives, shall be entitled to order directly from the State agency or depository herein provided for, and designated by said contractor or contractors as established to comply with conditions of this Act, text-books for use in the schools under the control of said trustees, such books to be purchased in accordance with the terms of this Act, and to be delivered by said depository, all packing, shipping, freight, express mailing or other charges to be paid by said contractor or depository to railway station at the town or city in which school is situated, or to railway station designated in the requisition; provided, that the depository shall not be required to fill orders by express or parcel post except such orders as may be defined by the State Superintendent of Public Instruction as emergency orders. The cost above established freight rate for filling such emergency orders may be added to the price of the books so shipped; provided further that if book contractors have complied with orders

from the State Department of Education and have made prompt shipments as required by their contracts, that if the receivers of said shipments fail or refuse to take the shipments from the transportation companies, that the contractors will not be responsible for any demurrage in case of such failure.

Any person, school not controlled by the State, or dealer in any county in the State may order books from the said State agency, or depository and the books so ordered shall be furnished at the same rate and discount as are granted to the State; provided that in such case the State depository or agency may require that the price of books so ordered shall be paid in advance. Upon the failure of any contractor to furnish the books as provided in the contract and in this Act, the county judge in the county wherein such books have not been furnished, shall report the fact to the Attorney General and he shall bring suit on account of such failure in the name of the State of Texas in the district court of Travis county, and shall recover on the bond given by such contractor for the full value of the books not furnished as required, and in addition thereto the sum of one hundred dollars, and each day of failure to furnish the books shall constitute a separate offense, and the amounts so recovered shall be placed to the credit of the State Text Book Fund.

Section 7. The school trustees of each district shall be designated as the legal custodians of the books, and shall have the power to make such arrangements for the distribution of books to the pupils as they may deem most effective and economical; provided, that no district shall have the power to make any regulation in regard to text books, which is at variance with the provisions of this Act, or with the regulation of the State, made by the State Superintendent of Public Instruction and approved by the State Board of Education.

Section 8. Books shall remain the property of the State, and after purchase through requisition according to the provisions of this Act, shall remain in the charge of the district school trustees, as the legal custodians of the books. The district school trustees shall have the power to delegate to their employes such power as to requisitions and distribu-

tion of books and the management of books, as in their judgment may be best; provided, that such plans shall not be at variance with the provisions of this law, or with the State Rules for Free Text Books, formulated by the State Superintendent of Public Instruction and approved by the State Board of Education.

Section 9. One or more members or employes of each district board of trustees shall enter into bond in the sum of fifty per cent in excess of the value of the books consigned to them by the State, payable in Austin, Texas, to the Governor of the State of Texas, or his successors in office, said bond to be approved by the county judge of the county in which the school is situated, and by the State Superintendent of Public Instruction and deposited with the State Superintendent, conditioned on the faithful discharge of his duties under his employment and under this Act, and that he or they will faithfully account for all books coming into his or their possession and for all moneys received from the sales thereof; provided that all moneys accruing from the forfeiture of the bonds shall be deposited by the Governor to the credit of the State Text Book Fund.

Section 10. Requisitions for books shall be made in the following manner. On the first day of April each teacher shall make a report to the principal, of the maximum attendance of his or her grade, or school, if not a graded school. If the school has only one teacher, said report as to the maximum attendance of pupils of each grade of work shall be made by the teacher to the board of school trustees and to the county superintendent. In case of unorganized counties, or counties having an ex-officio county superintendent, reports shall be made to the State Superintendent. Reports as to the maximum attendance for the school shall be made not more than one week subsequent to the first school day of April, by the principal to the city or town superintendent, or by the principal to the county superintendent, if the school is not situated in a city or town. The city or town superintendent of schools shall compile reports of principals and make reports to the State Superintendent of Public Instruction. The county superintendent

shall make such report to the State Superintendent of Public Instruction as to the maximum attendance of each rural school of his county as will designate the number of text books of each grade and kind, to which each rural school of his county shall be entitled. Reports as to the maximum attendance of each school under their direction shall be made to the State Superintendent of Public Instruction by the aforesaid superintendents of cities, towns, and counties, not later than April 25th, provided that should the school close before this date, it shall be the duty of the teacher to file with the county superintendent and with the board of school trustees reports complying with the provisions of this Act. Blank forms for reports and for requisitions of text books shall be furnished to all boards of school trustees by the State Department of Education. Requisitions for books shall be based on said reports as to the maximum number of scholastics in attendance the preceding school session, plus an additional fifteen per cent, and such requisitions shall be made through the State Superintendent of Public Instruction and by him furnished to the State Depository designated by contractors of books, not later than June 1 of each year, provided that in cases of unforeseen emergency the State depository shall fill small orders for books on requisition approved by the chairman of the district board of school trustees, such requisition subsequently to be sent promptly for approval to the State Department of Education. One copy of each text-book used in the work taught by the teacher shall be issued by the school trustees, or their representatives, to each teacher as a desk copy, such book to be returned to the trustees or their representatives at the close of the session.

Section 11. Bills for text books purchased by the State on requisitions as provided for in Section 10 of this Act shall be paid by warrants on the State Treasury made by the State Department of Education and approved by the State Superintendent of Public Instruction. Such payment shall be made within ninety days from date of delivery and if payment be delayed thereafter, 6 per cent per annum shall be added until date of payment. The State De-

partment of Education shall issue to each school district warrants to the value of five per cent of the contract price of books supplied to said district, this sum to be paid from the Free Text Book Fund, to cover the cost of care of the books and the cost of distribution of the books to the pupils of said districts.

Section 12. Teachers and school officers must make such reports as to the use, care and condition of free text books as may be required by the local trustees or by the State Department of Education. The salary for any month of any teacher or employee who neglects to make such report at the proper time, may be withheld until each report be received in a condition satisfactory in form and content. Text books shall be subject to inspection by any inspector or agent authorized by those having charge of the local text book service, or authorized by the State Superintendent of Public Instruction, subject to the approval of the State Board of Education; provided that inspectors authorized by the State Department of Education shall be those in regular employment as high school inspectors, rural school inspectors, or inspectors of vocational education.

Section 13. Specific rules as to the requisition, distribution, care, use, and disposal of books may be made by the State Superintendent of Public Instruction subject to the approval of the State Board of Education; provided that such rules shall not conflict with the provisions of this Act, or with the uniform text book law under the terms of which contracts for supplies, books or made with the publisher or with the terms of said contract. No teacher or employee of the school engaged in the distribution of text books under this law as the agent or employee of the State, or of any county or district in the State shall, in connection with this distribution, sell or distribute, or in any way handle, any kind of school furniture or supplies, such as desks, stoves, blackboards, crayon, erasers, pens, ink, pencils, tablets, etc.

Section 14. All books shall have printed labels pasted on both inside covers; said label to be supplied by the State Department of Education. Each school shall number all books, placing the number of these labels.

All teachers shall keep a record of the number of all books issued to each pupil. All books must be covered by the pupil, under the direction of the teacher. Books must be returned to the teacher at the close of the session, or when the pupil withdraws from school. Each pupil, or its parent or guardian, shall be responsible to the teacher for all books not returned by the pupil and said pupil not returning all books delivered to him or her shall not be entitled to the benefits of this Act until said books are paid for by said parent or guardian.

Local boards of trustees shall make provision for the fumigation of books before the re-issue of the books. Covers of all books shall be removed before re-issue, and the pupil to whom the book is issued shall replace cover, under the direction of the teacher.

Section 15. Books may be bought from the local boards of trustees by pupils or parents of pupils attending the public schools of the State, said boards to furnish the books at the retail contract price. Any book may be purchased from the State depository designated by the contractor holding the contract for said book, by State Institutions or by private schools, or church schools, such purchase to be made on the same terms as those given to the State for the same book. All money accruing from sales of books by district boards of school trustees shall be forwarded to the State Text Book Fund not later than one month after the sale.

Section 16. For the next two school sessions after the passage of this Act, all district boards of school trustees or their legally appointed representatives, shall be empowered to pay to any pupil one-half of the exchange price of any adopted text book in use the previous year, on delivery to the teacher of the said book, provided that the same privilege of surrendering to the State the adopted books in previous use during the scholastic year preceding the change of books and receiving therefor one-half of the exchange price of books, shall be accorded to cities, towns, or districts, which, previously to the passage of this Act have owned and furnished free text-books to the pupils. Bills for the re-payment to the school district of such purchases shall be attested as correct before a notary public by the chairman of the district

board of trustees, or by his legally appointed representatives approved by the State Superintendent of Public Instruction, and paid on warrants on the Text Book Fund issued by the State. Each district shall be allowed warrants to the amount of five per cent of the aggregate exchange price of all books turned over by the district to the book contractors and accepted by them in exchange for new books, this sum being set apart to pay cost of handling and packing books, and transportation to the nearest railway station.

Section 17. The State Superintendent of Public Instruction, with the approval of the State Board of Education, may provide for the disposition of such text books as are no longer in a fit condition to be used for purposes of instruction, provided that the district board of trustees shall retain a sufficient number of each text book to be used as exchange copies in case of change of the adopted text book, and provided that whenever it should become practicable to sell such old text books for use in the manufacture of paper, pulp, or similar substances, the highest price obtainable shall be secured by bids and money accruing from the sale shall be deposited to the credit of the State Text Book Fund. In case of the disuse of books in fair condition, inspectors of the State Department of Education may require the continuance of the use of said books.

Section 18. Complaints in regard to textbook service shall be made both to the State Superintendent and to the State depository designated by contractors of the books. In case such complaint does not receive reasonably prompt attention, complaint shall be taken to the county judge, who shall proceed in accordance with the provisions of this Act (Section 6). Trustees of unorganized counties shall make complaint to the county judge of the county to which said unorganized county is attached for judicial purposes.

Section 19. In making requisitions for supplementary books, teachers shall designate their first, second, third choice, etc., to the limit of the sets of supplementary books adopted, and such reports shall be furnished to the State Superintendent. And said supplementary books shall be issued according to rules prescribed by the

State Superintendent of Public Instruction. Requisitions for supplementary books may be made at convenient times during the session, but must be made within one month in advance of the time the books will be needed.

Section 20. Immediately upon the taking effect of this Act, it shall be the duty of the State Superintendent of Public Instruction to notify all parties holding contracts for the sale of text books for use in the public schools of this State to the effect that the State of Texas has taken over the contracts now existing and will purchase books thereunder according to their terms.

Section 21. A wilful violation of any provisions of this Act by any person other than text book contractor shall be a misdemeanor punishable by fine of not less than \$5.00 nor more than \$100.00.

Section 22. The furnishing to the pupils and patrons of the schools of this State of free text books shall not begin under the terms of this Act until the commencement of the scholastic term of 1919-1920.

Section 23. All necessary expenses incurred by the operation of this Act incident to the enforcement of this law shall be paid from the State text book fund herein provided for upon bills approved by the State Superintendent of Public Instruction and shall be paid upon warrants drawn by the Comptroller upon the Treasury of the State.

Section 24. Should any sections or any part of this Act be declared unconstitutional it shall not effect any other part of this Act.

Section 25. The fact that the people of this State at the last general election amended the Constitution of this State to provide for free text books for the school children of this State, and that there is an urgent demand that a law be passed putting the Constitutional amendment into effect, creates an emergency and an imperative public necessity demanding the suspension of the rule requiring bills to be read on three several days, and such rule is so suspended and this Act shall take effect from and after its passage, and it is so enacted.

Amendment No. 2.

Strike out all above enacting clause and insert following:

Am Act to provide for the purchase

and distribution by the State of free text books to the public school children of the State of Texas making it the duty of the State Board of Education to purchase such books from a fund set aside each year out of the available school fund of the State; providing the procedure to be followed in purchase of said books and their distribution through the State agencies or depositories which all parties with whom the State has made text book contracts are required to maintain, and through the district boards of school trustees or their legally appointed representatives; providing the method of ascertaining the scholastic census for purposes of free text book distribution; prescribing the duties of district boards of school trustees and of the State Board of Education and the State Superintendent of Public Instruction under the Act; providing for the delivery to school trustees of books used previously to 1919, to give the State the advantage of exchange price on books; providing that such books shall remain the property of the State and for the disposition of worn out books; providing the method to be followed by teachers and principals in procuring books for their pupils; requiring teacher and school officers to make reports of the use, care, and condition of such text books and providing that the salary of any teacher or employee who neglects may be withheld; providing that the State Superintendent may make rules for the requisition, distribution, care, use, and disposal of such books and that the local boards and school trustees shall have the power to make rules for local application; providing for the placing of printed labels on such books and numbering the same and for the keeping of a record of all books issued to each pupil; providing for the fumigation of all books before reissuance; authorizing the sale of books to parents and pupils and to institutions of learning; providing that all moneys accruing from sale of books and from other sources shall become a part of the State Text Book Fund; providing for the handling of complaints with reference to the prompt delivery of school books and for requisitions for supplementary books; providing that the State Superintendent of Public Instruction shall notify all

persons holding contracts with the State for school books that the State has taken over the contracts under the terms thereof and in accordance with the laws of the State; fixing a penalty for a violation of the Act and providing that the furnishing of the pupils with free text books shall not begin under this Act until the commencement of the scholastic year of 1919-1920, and declaring an emergency.

Amend S. B. No. 118, on page 11, in Section 5, by inserting after the words "subject to the" on line 15, the following, "laws of the State and."

Amend S. B. No. 118, on page 11, in Section 6, line 37, by striking out the word "last" and inserting in lieu thereof the word "cost."

Amend S. B. No. 118, on page 12, in Section 7, line 28, by striking out the word "for" after "regulation" and inserting in lieu thereof the word "of."

Amend S. B. No. 118, on page 13, Section 10, line 24, by striking out the letters "tendent" and inserting the following, "or town superintendent or by the principal to the county superintendent."

Amend S. B. No. 118, on page 14, Section 10, line 6, by inserting after the word "books" the following, "not later than June 1 of each year."

Amend S. B. No. 118, on page 15, in Section 15, line 33, by striking out the word "but" and inserting in lieu thereof the word "by."

Amend S. B. No. 118, on page 16, in Section 17, line 20, by striking out the word "prove" and inserting in lieu thereof the word "provide."

Senate Bill No. 186.

The Chair laid before the Senate on second reading and as pending business S. B. No. 186, relating to sale or lease of mineral lands, etc. (see forenoon proceedings for caption in full).

Senator Dean offered the following amendments, which were read and adopted:

(4) Amend S. B. No. 186, line 7, page 6, by striking out the words and figures "twenty-five dollars" (\$25.00), and substituting in lieu thereof the following, "two hundred and fifty dollars (\$250.00)."

(5) Amend the bill by adding after Section 9 thereof a new section to be known as Section 9a, and to read as follows, to-wit:

"Section 9a. All State lands belonging to or under the jurisdiction and control of the Prison Commission of this State, or the Board of Trustees for the State Institution for the Training of Juveniles, and all other farms belonging to the State and administered by other boards, shall become subject to the provisions of this Act; but with the express reservation that in sales of the mineral rights in or under such farms, the annual payments and the royalties shall be made so long as the purchasers of said rights shall desire to operate their respective claims; and in no event shall a patent issue upon any claim filed upon any such farms belonging to the State, and all rights of the claimant to any land on filings hereunder shall terminate upon permanent cessation by such claimant of operation under such claim."

Senator Hopkins offered the following amendment, which was read:

Amend S. B. No. 186, page 6, by striking out all of Section 9 after the period in line 1.

Senator Dudley moved to table the amendment, and this motion prevailed by the following vote:

Yeas—18.

Alderdice.	Gibson.
Bell.	Hall.
Buchanan of Scurry.	Hertzberg.
Caldwell.	Page.
Carlock.	Parr.
Clark.	Smith.
Dayton.	Strickland.
Dudley.	Westbrook.
Faust.	Woods.

Nays—7.

Buchanan of Bell.	Floyd.
Cousins.	Hopkins.
Dean.	Suiter.
Dorough.	

Absent.

Bailey.	McNealus.
Johnston.	Witt.

Absent—Excused.

Williford.

Senator Dudley offered the following amendment, which was read and adopted:

(6) Amend S. B. No. 186, page 7, Section 13, by inserting the word "laws" after the word "of" in line 30.

Senator Suiter offered the following amendment:

(7) Amend S. B. No. 186, Section 9, by inserting after the word "royalty" in line 21, the following: "for the first five years and ten per cent royalty thereafter," and by striking out all of said Section 9 after and including the word "such" in line 1 on page 6.

Senator Dudley moved to table the amendment, and this motion prevailed by the following vote:

Yeas—20.

Alderdice.	Floyd.
Bailey.	Gibson.
Bell.	Hall.
Buchanan of Scurry.	Hertzberg.
Caldwell.	Page.
Carlock.	Parr.
Clark.	Smith.
Dayton.	Westbrook.
Dudley.	Witt.
Faust.	Woods.

Nays—5.

Buchanan of Bell.	Hopkins.
Cousins.	Suiter.
Dorough.	

Present—Not Voting.

Strickland.

Absent.

Dean.	McNealus.
Johnston.	

Absent—Excused.

Williford.

The bill was read second time, and passed to engrossment.

On motion of Senator Dudley the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 186 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Carlock.
Bailey.	Clark.
Bell.	Cousins.
Buchanan of Bell.	Dayton.
Buchanan of Scurry.	Dorough.
Caldwell.	Dudley.

Faust.	Parr.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Hertzberg.	Westbrook.
Johnston.	Witt.
Page.	Woods.

Absent.

Dean.	McNealus.
Hopkins.	

Absent—Excused.

Williford.

The bill was laid before the Senate, read third time and, on motion of Senator Dudley, was passed by the following vote:

Yeas—23.

Alderdice.	Faust.
Bailey.	Floyd.
Bell.	Gibson.
Buchanan of Bell.	Hall.
Buchanan of Scurry.	Hertzberg.
Caldwell.	Page.
Carlock.	Parr.
Clark.	Smith.
Cousins.	Strickland.
Dayton.	Westbrook.
Dorough.	Witt.
Dudley.	

Nays—3.

Hopkins.	Woods.
Suiter.	

Absent.

Dean.	McNealus.
Johnston.	

Absent—Excused.

Williford.

Bills Signed.

The Chair, Lieutenant Governor Johnson, gave notice of signing, and did sign in the presence of the Senate after their captions had been read, the following:

S. B. No. 29, A bill to be entitled "An Act to permit Riviera Beach and Western Railway Company to take up and remove its entire railroad, including the line from Riviera to Riviera Beach, and to sell and dispose of and abandon the same, together with its lands and equipment, and to dissolve said corporation, and declaring an emergency."

S. J. R. No. 13, A resolution proposing to amend Section 5 of Article IV of the Constitution of the State of Texas, as follows: Strike out the words "four thousand" in the third line of Section 5 and insert in lieu thereof the words "ten thousand," and adding after the word furniture the words, "and this clause shall be self-enacting," and making an appropriation to pay the necessary expenses hereof.

Simple Resolution No. 71.

Here the Committee on Stock and Stock Raising made favorable report on Simple Resolution No. 71 (see morning proceedings for the resolution in full).

Senator Bell moved to suspend the Senate rule requiring committee reports to lie over for one day.

The motion prevailed by the following vote:

Yeas—21.

Alderdice.	Hall.
Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Page.
Clark.	Parr.
Dayton.	Smith.
Dorough.	Strickland.
Dudley.	Westbrook.
Faust.	Witt.
Floyd.	Woods.
Gibson.	

Nays—1.

Buchanan of Bell.

Present—Not Voting.

Carlock.

Absent.

Bailey.	Johnston.
Cousins.	McNealus.
Dean.	Suiter.

Absent—Excused.

Williford.

The resolution was laid before the Senate, read and Senator Bell moved its adoption.

The resolution was not adopted by the following vote:

Yeas—11.

Bell.	Caldwell.
Buchanan of Scurry.	Clark.

Cousins.	Hertzberg.
Dayton.	Parr.
Dudley.	Westbrook.
Gibson.	

Nays—13.

Alderdice.	Hopkins.
Bailey.	Smith.
Buchanan of Bell.	Strickland.
Dorough.	Suiter.
Faust.	Witt.
Floyd.	Woods.
Hall.	

Present—Not Voting.

Carlock.	Page.
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Absent.

Dean.	McNealus.
Johnston.	

Absent—Excused.

Williford.

Senator Buchanan of Bell moved to reconsider the vote by which the resolution was lost and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 187.

The Chair laid before the Senate on second reading:

S. B. No. 187, A bill to be entitled "An Act to amend Article 7504, Chapter 11, Title 126, of the Revised Civil Statutes of the State of Texas of 1911, relating to taxation, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Dudley, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 187 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Faust.
Bailey.	Gibson.
Bell.	Hall.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	Parr.
Clark.	Smith.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Witt.

Present—Not Voting.

Strickland.

Absent.

Cousins.	McNealus.
Dayton.	Page.
Floyd.	Woods.

Absent—Excused.

Williford.

The bill was laid before the Senate, read third time and, on motion of Senator Dudley, was passed finally.

House Bill No. 7—Recommitted.

Senator Dean moved that House Bill No. 7 be re-committed to the Committee on Civil Jurisprudence.

The motion prevailed.

Senate Bill No. 136.

The Chair laid before the Senate on second reading:

S. B. No. 136, A bill to be entitled "An Act requiring persons, firms or corporations, doing business in a city containing a population, according to the United States census for the year of 1910, of 25,000 or more people, buying or securing possession of, for re-sale, used furniture or household goods or store or office furniture or fixtures or pianos or other musical instruments, to make reports thereof by filing with the County Clerk of the county where such purchase or sale is made, a sworn statement, giving a description of the goods, amount paid for same, from whom purchased, providing a penalty for the violation thereof, and declaring an emergency."

Senator Hertzberg offered the following amendment which was read and adopted:

(1) Amend Senate Bill No. 136 by striking out the words "of requiring," line 25, and inserting in lieu thereof the words "or acquiring."

Senator Carlock offered the following amendment which was read and adopted:

(2) Amend Senate Bill 136 by adding at the end of Section 1, at line 32: provided that this Act shall only apply to persons, firms, or cor-

porations engaged in the business of buying and selling used or second-hand furniture or household goods or store or office furniture or fixtures or pianos or other musical instruments.

Senator Hopkins offered the following amendment which was read and adopted:

(3) Amend Senate Bill 136 page 2, by inserting after the word "person" in line 1, the following "in charge of any business of the character referred to in Section 1 of this Act either for himself or jointly with another, or as the agent, or employee of a corporation."

Senator Carlock offered the following amendment which was read and adopted:

(4) Amend Senate Bill 136, line 21 by striking out 25000 where it occurs and insert 75000.

The following amendment by Senator Hopkins was read and adopted:

(5) Amend Senate Bill 136, by inserting after the word used in line 22, page 1, the following "jewelry or clothing, machinery, or brass."

Senator Dean offered the following amendment which was read and adopted:

(6) Amend the bill by striking out all after the word "showing" line 27 page 1, down to and including the word "with" line 30, page 1.

The bill was read second time and passed to engrossment.

On motion of Senator Hertzberg, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 136 put on its third reading and final passage by the following vote:

Yeas—24.

Bailey.	Gibson.
Bell.	Hall.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Carlock.	Johnston.
Clark.	Page.
Cousins.	Parr.
Dean.	Smith.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Witt.
Floyd.	Woods.

Absent.

Alderdice.	McNealus.
Caldwell.	Strickland.
Dayton.	

Absent—Excused.

Williford.

The bill was laid before the Senate, read third time and, on motion of Senator Hertzberg, was passed finally.

Senate Bill No. 178.

The Chair laid before the Senate on second reading:

S. B. No. 178, A bill to be entitled "An Act to provide for the creation of a department of the State of Texas to be known as the 'Department of Banking of the State of Texas,' creating the office of 'Commissioner of Banking,' and providing for his appointment by the Governor, fixing his term of office and salary. Providing the qualifications of such 'Commissioner of Banking,' and fixing the amount of bonds required of him. Providing for a seal and for office rooms and quarters. Providing for the execution and enforcement by the 'Commissioner of Banking' of all laws now existing or hereafter to be enacted affecting State Banks, and for the delivery of all records, files, documents, books of account or other property pertaining to banking affairs to the 'Commissioner of Banking' by the Commissioner of Insurance and Banking and providing for the change of the name of the Commissioner of Insurance and Banking to that of 'Commissioner of Insurance of the State of Texas'. Providing for the continuance of the State Banking Board and its membership. Authorizing the appointment of a Deputy Commissioner of Banking, fixing his salary and prescribing his duties, authorizing the Commissioner of Banking to appoint clerks, employes, etc. Providing for the transfer of the funds appropriated by the Thirty-fifth Legislature to the Banking Division of the Commissioner of Insurance and Banking to the Department of Banking of the State of Texas, and declaring an emergency."

Senator Page offered the following amendment which was read and adopted:

(1) Amend Senate Bill 178 by adding at the end of Section No. 8 the following "provided that all sums collected as examination fees, shall be applied to the payment of salaries and expenses of examiners and examinations and all of the remainder of said moneys shall be paid into and become the property of the "Depositors State Guaranty Fund."

The following amendment by Senator Smith was read and adopted:

(2) Amend Senate Bill No. 178 printed bill, page 3, line 1, by erasing last word in said line.

Senator Gibson offered the following amendment:

Amend Senate Bill No. 178, by striking out all of Section 3, down to the period after the word, "Texas" in line 15.

Senator Clark moved to table the amendment and this motion prevailed by the following vote:

Yeas—18.

Alderdice.	Hall.
Bailey.	Hopkins.
Bell.	Page.
Carlock.	Parr.
Clark.	Smith.
Cousins.	Strickland.
Dudley.	Suiter.
Faust.	Westbrook.
Floyd.	Witt.

Nays—7.

Buchanan of Scurry.	Johnston.
Dean.	McNealus.
Gibson.	Woods.
Hertzberg.	

Absent.

Buchanan of Bell.	Dorough.
Caldwell.	Williford.
Dayton.	

Senator Cousins offered the following amendment:

Amend Senate Bill No. 178, page 3, Section 9, by adding Section 9a as follows:

Section 9a. That any aggregation of persons who desire to organize a Bank are allowed to do so whenever they can secure the require capital.

Senator Witt raised the point of order that the amendment is not germane.

The point of order was sustained.

Senator Buchanan of Scurry offered the following which was read and adopted:

(3) Amend Senate Bill No. 178: strike out the words after experience in line 12, page 2, of printed bill beginning with the word "as" down to and including the word "corporation" in line 13 on said page.

Senator Witt offered the following amendment:

(4) Amend Senate Bill No. 178 by adding to Section 10 the following:

"Provided that same shall not authorize the dismissal of the present employees during the tenure of employment for which appointed except for inefficiency or misconduct."

On motion of Senator Page the amendment was tabled by the following vote:

Yeas—20.

Alderdice.	Floyd.
Bailey.	Gibson.
Bell.	Hall.
Caldwell.	Hertzberg.
Carlock.	Hopkins.
Clark.	Page.
Cousins.	Parr.
Dayton.	Smith.
Dorough.	Suiter.
Dudley.	Westbrook.

Nays—5.

Buchanan of Scurry.	Witt.
Faust.	Woods.
Johnston.	

Present—Not Voting.

McNealus.

Absent.

Buchanan of Bell.	Strickland.
Dean.	

Absent—Excused.

Williford.

Senator Page offered the following amendment:

Amend Senate Bill 178 by striking out the period at the end of line 25 and adding the following: "and the said Commissioner of Insurance shall continue to discharge all the duties pertaining to insurance, as now discharged by the Commissioner of Insurance and Banking, and shall receive the salary and emoluments now paid the Commissioner of Insurance of Banking."

Senator Bailey moved the previous question on the adoption of the amendment and the engrossment of the bill.

The motion being duly seconded the previous question was ordered.

The amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 178 put on its third reading and final passage by the following vote:

Yeas—27.

Bailey.	Gibson.
Bell.	Hall.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	McNealus.
Clark.	Page.
Cousins.	Parr.
Dayton.	Smith.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Witt.
Faust.	Woods.
Floyd.	

Absent.

Alderdice.	Strickland.
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Absent—Excused.

Williford.

The bill was laid before the Senate, read third time and, on motion of Senator Smith, was passed by the following vote:

Yeas—23.

Bailey.	Floyd.
Bell.	Gibson.
Buchanan of Scurry.	Hall.
Caldwell.	Hertzberg.
Carlock.	Hopkins.
Clark.	Johnston.
Cousins.	Page.
Dayton.	Parr.
Dean.	Smith.
Dorough.	Westbrook.
Dudley.	Witt.
Faust.	

Nays—4.

Buchanan of Bell.	Suiter.
McNealus.	Woods.

Absent.

Alderdice.	Strickland.
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Absent—Excused.

Williford.

Senate Bill No. 271.

The Chair laid before the Senate, on second reading:

S. B. No. 271, A bill to be entitled "An Act to create a more efficient road system for Cooke county, adopting and making a part this special law, the provision of Chapter 2, Title 18, (Vernon Sayles) Revised Civil Statutes of Texas, as amended by

Chapter 203 General Laws of the Regular Session of the Thirty-fifth Legislature of Texas, providing for the defining of districts in Cooke county, for issuing and levying taxes therein, for the improvement and maintenance of public highways in said county, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Dayton, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 271 put on its third reading and final passage by the following vote:

Yeas—26.

Bailey.	Gibson.
Bell.	Hall.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Carlock.	Johnston.
Clark.	McNealus.
Cousins.	Page.
Dayton.	Parr.
Dean.	Smith.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Witt.
Floyd.	Woods.

Absent.

Alderdice.	Strickland.
Caldwell.	

Absent—Excused.

Williford.

The bill was laid before the Senate, read third time and, on motion of Senator Dayton, was passed by the following vote:

Yeas—25.

Bailey.	Floyd.
Bell.	Gibson.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	McNealus.
Clark.	Page.
Cousins.	Parr.
Dayton.	Smith.
Dean.	Westbrook.
Dorough.	Witt.
Dudley.	Woods.
Faust.	

Absent.

Alderdice. Strickland.
Hall. Suiter.

Absent—Excused.

Williford.

Senate Bill No. 147.

The Chair laid before the Senate, on second reading:

S. B. No. 147, A bill to be entitled "An Act to create a State Board to be known as the State Board of Control, providing that the Board shall be composed of three citizens of the State, and the method of their appointment, defining the method of qualifying such officers, fixing their terms of office and compensation; defining the duties and conferring authority on the Board; etc., and declaring an emergency."

Senator Westbrook offered the following amendments which were read and adopted:

(1) Amend committee substitute for Senate Bill 147 by striking out the figures 177 in line 1, page —, and insert in lieu thereof the figures 147.

(2) Amend committee substitute for Senate Bill 147 by striking out the word "natural" in line 6, page 3, and insert in lieu thereof the word "normal."

(3) Amend committee substitute for Senate Bill 147 by striking out of line 3, page 3, the figures 177 and insert in lieu thereof the figures 147.

(4) Amend committee substitute for Senate Bill 147 by striking out of line 3, page 3, the figures 177 and insert in lieu thereof the figures 147.

Senate Bill 147, pending.

Adjournment.

At 5:45 o'clock p. m., the Senate on motion of Senator Woods, adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Engrossing Committee Reports.

Committee Room,
Austin, Texas, Feb. 20, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had Senate Bill No. 107 carefully compared, and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 148 carefully compared, and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 168 carefully compared, and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 169 carefully compared, and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 98 carefully compared, and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 124 carefully compared, and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 140 carefully compared, and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 114 carefully compared, and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 81 carefully compared, and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 163 carefully compared, and find same to be correctly engrossed.

FAUST, Chairman.

Committee Reports.

Committee Room.

Austin, Texas, Feb. 20, 1919.

Honorable W. A. Johnson, President of the Senate.

Sir: We your Committee on Public Health to whom was referred Senate Bill No. 177, have had same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, with the following committee amendments:

Amend Section 1 by inserting after the word "closet" line 4, the following: or water closet, or the abatement of any health menace.

Amend Section 2 by inserting after the word closet the following: "or water closet".

McNEALUS, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas,

February 20, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 305, "An Act to provide

for the payment of taxation, when authorized by an election in the district affected, of any certificates of indebtedness issued by any improvement district created prior to the year 1915 for drainage or levee purposes, in payment of necessary repairs of any levee damaged or partly destroyed by an overflow or flood during the year 1915, etc."

Have had same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass.

Dudley, Faust, Buchanan of Scurry Hertzberg, Parr.

Committee Room,

Austin, Texas, February 20, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Mining, Irrigation and Drainage, to whom was referred,

S. B. No. 302, Being a bill to be entitled "An Act to amend Section 28, Chapter 146, General Laws of the Regular Session of the 34th Legislature, so as to provide for the selection of a depository for the funds of levee improvement districts and declaring an emergency."

Have had the same under consideration, and I am directed to report the same back to the Senate with the recommendation that it do pass.

DUDLEY, Chairman.

Committee Room,

Austin, Texas, February 20, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Agricultural Affairs to whom was referred

S. B. No. 262, A bill to be entitled "An Act to provide for the establishment, maintenance and management of experimental apiaries under the direction of the Director of the Texas Agricultural and Mechanical College, for the purpose of experimenting with the culture of the honey bees, and studying honey yield conditions, and other bee-keeping problems, and making necessary appropriations therefor; designating expenditures and declaring an emergency."

Beg leave to report that we have had the bill under consideration, and I am instructed to report the bill favorably with the recommendation that it do pass.

BELL, Chairman.

(Floor Report.)

Senate Chamber,
Austin, Texas,
February 20, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 296, A bill to be entitled "An Act to provide an adequate method of regulating the practice of civil engineering and surveying in the State; defining civil engineering and surveying; creating a Board of Engineering Examiners and prescribing its powers, duties and compensation; providing for a special fund to be derived from fees; providing for certificates of registration and for examinations and licensing civil engineers and surveyors; defining the qualifications of civil engineers and surveyors; prescribing the mode and manner of holding examinations, and the form of licenses; authorizing the issuance of licenses without examination under certain conditions; fixing fees; providing for a record of certificates of registration and licenses; providing for issuance of surveyors' licenses to civil engineers without examination under certain conditions; fixing the life of certificates of registration and licenses, and providing for renewals thereof; authorizing the issuance of temporary licenses; providing for revocation of certificates of registration and licenses; providing for appeals; providing a penalty for the practice or attempted practice of civil engineering or surveying without a license or certificate of registration; requiring certain classes of reports, maps or other official documents to bear certificates of a registered or licensed civil engineer or surveyor; providing for exemptions under certain conditions; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration and recommend that it do pass.

Dudley, Faust, Buchanan of Scurry, Parr, Hertzberg.

Committee Room,
Austin, Texas, February 20, 1919.
Hon. W. A. Johnson President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 226, Being a bill to be entitled, "An Act to provide for and prescribe an uniform manner and method for the proceedings of County Commissioners Courts, when sitting as Boards of Equalization, of Boards of Equalization appointed by city or town councils, and of Boards of Equalization appointed by school trustees, in equalizing property valuation for taxation, and of giving and serving notice on property owners of persons rendering property for taxation, of the intent of such Boards to raise the valuations of property rendered for taxation, and providing for the repeal of all laws and parts of laws in conflict with, or inconsistent with this Act; and declaring an emergency."

Has had said bill under consideration and I am directed to report the same back to the Senate with the recommendation that it do not pass.

DEAN, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 72, being a bill to be entitled "An Act to amend Articles 3234 and 3244 of the Revised Statutes of 1911 by consolidating them and by adding thereto certain provisions for the taking of depositions in cases of probating wills and other proceedings in estates where there is no opposing party or attorney of record upon whom service of notice and copies of interrogatories may be had,"

Has had said bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do pass.

DEAN, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 304, being a bill to be entitled "An Act to amend Article 279 of the Revised Civil Statutes of 1911 by providing that from and after the service of such writ of garnishment, it shall not be lawful for the garnishee to pay to the defendant any debt or to deliver to him any

effects; nor shall the garnishee, if an incorporated or joint stock company in which the defendant is alleged to be the owner of shares or to have an interest, permit or recognize any sale or transfer of such shares or interest; and any such payment or delivery, sale, or transfer, shall be void and of no effect as to so much of said debt, effects, shares or interests as may be necessary to satisfy the plaintiff's demand; provided, however, that the defendant may, at any time before judgment, replevy any effects, debts, shares or claims of any kind seized or garnished, by giving bond, with two or more good and sufficient sureties to be approved by the officer who issued the writ of garnishment, payable to the plaintiff, in double the amount of the property garnished, such bond to be fixed by the court in which the suit is pending; and conditioned for the payment of any judgment that may be rendered against the said garnishee in such suit, which bond when properly approved shall be filed among the papers in the cause in the court in which the suit is pending; and in all proceedings in garnishment where the defendant gives bond as herein provided for, such defendant may make any defense which the defendant in garnishment could make in such suit, and declaring an emergency."

Has had said bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do pass.

DEAN, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 280, being a bill to be entitled "An Act to amend Article 1903 of Chapter 176, of the General Laws of the State of Texas, passed by the Thirty-fifth Legislature at its regular session,"

Has had said bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do pass.

DEAN, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 272, being a bill to be entitled "An Act to amend Articles 3482, 3489 and 3491, of the Revised Civil Statutes of 1914, and to repeal Articles 3492 and 3493, Revised Civil Statutes of 1914, relating to sales of property belonging to estates of decedents, and declaring an emergency,"

Has had said bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do pass, with the following committee amendment:

Amend the bill by striking out all reference to Article 3482 in the caption and in the bill.

DEAN, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Insurance and Banking, to whom was referred Senate Bill No. 316, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Insurance and Banking, to whom was referred Senate Bill No. 326, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with committee amendments hereto attached.

SMITH, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, Feb. 20, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred Simple Resolution No. 71, have had same under consideration, and beg leave to report same back

to the Senate with the recommendation that it do be adopted.

Clark, Chairman; Dudley, Bell, Buchanan of Scurry, Dorrough, Parr.

Committee Room,

Austin, Texas, Feb. 20, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 279, being a bill to be entitled "An Act to amend Article 5714, of the Revised Civil Statutes of the State of Texas, 1911, specifying the conditions under which stipulations in contracts in regard to notice of claim for damage as a condition precedent to the right to sue shall be valid, providing that such stipulations requiring notice within less than ninety days shall be void, specifying to whom such notice when required may be given, and further providing that no stipulation requiring notice of claim for damages under certain conditions shall ever be valid, and declaring an emergency."

Has had said bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do pass.

DEAN, Chairman.

Enrolling Committee Reports.

Committee Room,

Austin, Texas, Feb. 20, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 29, copy of which is hereto attached, and find it correctly enrolled, and have this day at 3:40 o'clock p. m., presented the same to the Governor for his approval.

SMITH, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Joint Resolution No. 13, copy of which is hereto attached, and find it correctly enrolled and have this day at 3:40 o'clock p. m., presented the same to the Governor for his approval.

SMITH, Chairman.

St-Jur.

By Hertzberg. S. J. R. No. 13.

A JOINT RESOLUTION

To Be Entitled

A Resolution proposing to amend Section 5 of Article IV of the constitution of the State of Texas, as follows: Strike out the words "Four Thousand" found in the third line of Section 5 and insert in lieu thereof the words "Ten Thousand," and adding after the word furniture the words "and this clause shall be self-enacting," and making an appropriation to pay necessary expenses hereof.

Be it Resolved by the Legislature of the State of Texas:

Section 1. That Section No. 5 of Article IV of the constitution of the State of Texas be so amended as hereafter to read as follows:

Section 5. Article IV, Governor's Salary and Mansion. He shall at stated times receive as compensation for his service an annual salary of ten thousand dollars, and no more, and shall have the use and occupation of the Governor's Mansion, fixtures and furniture, and this clause shall be self-enacting.

Section 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors for members of the legislature at an election to be held throughout the State of Texas on the fourth Saturday in May A. D., 1919, same being the twenty-fourth day of May, A. D., 1919, and the Governor of this State is hereby directed to make the necessary proclamation for said election and to have same duly published as required by the constitution and laws of this State. Said election shall be held under and in accordance with the general election laws of the State and the official ballot shall have printed or written thereon in plain letters the words "Official Ballot," and also the words, "For the amendment to Section 5 of Article IV, of the constitution of the State of Texas in regard to the salary of the Governor of the State of Texas," and also the words, "Against the amendment to Section 5 of Article IV of the constitution of the State of Texas in regard to the salary of the Governor of the State of Texas."

All voters favoring such amendment shall erase by making a mark through the words "Against the

amendment to Section 5 of Article IV of the constitution of the State of Texas in regard to the salary of the Governor of the State of Texas," and all voters opposing such amendment shall erase by making a mark through the words, "For the amendment to Section 5 of Article IV of the Constitution of the State of Texas in regard to the salary of the Governor of the State of Texas." If a majority of the votes cast shall be "For the amendment to Section 5 of Article IV of the Constitution of the State of Texas in regard to the salary of the Governor of the State of Texas," said amendment shall be declared adopted. If a majority of the votes cast shall be "Against the amendment to Section 5 of Article IV of the constitution of the State of Texas in regard to the salary of the Governor of the State of Texas," said amendment shall be lost and be so declared.

Section 3. There is hereby appropriated out of the funds in the State Treasury, not otherwise appropriated, the sum of Five Thousand Dollars (\$5,000.00), or so much thereof as may be necessary to cover the necessary expenses attached to the proclamation and publication of this amendment, and the Governor shall issue the necessary proclamation and cause the same to be duly published.

TWENTY-NINTH DAY.

Senate Chamber.

Austin, Texas, Feb. 21, 1919.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Alderdice.

Excused.

Senator Johnston was excused for today on account of important business, on motion of Senator Dean.

Petitions and Memorials.

See Appendix.

Standing Committee Reports.

See Appendix.

Bills and Resolutions.

By Senator Page:

S. B. No. 331, A bill to be entitled "An Act to provide for the reorganization of a Ranger Force for the protection of the frontier against marauding and thieving parties, foreign foes or an enemy of the State of Texas or the Government of the United States, and for the suppression of lawlessness and crime throughout the State, or to suppress any invasion from an alien enemy of the State or any State of the United States of America; to prescribe duties and powers of members of such force; to regulate their compensation; and declaring an emergency."

Read first time, and referred to Committee on Military Affairs.

By Senator McNealus:

S. B. No. 332, A bill to be entitled "An Act to prevent any person, firm, association of persons or corporation from furnishing water that is impure, unwholesome, unpotable and polluted, for domestic purposes; and to require every person, firm, association of persons or corporation, public utility, municipality or other public body or institution, which shall desire to furnish and supply water for domestic uses, to file with the State Board of Health a petition for permission so to do, together with such plans, specifications and general statement as the State Board of Health shall require; providing for investigation of all proposed and existing water systems by the State Board of Health and if, upon investigation, it is found that such water furnished, or proposed to be furnished, is a menace, or would be a menace, to the health of human beings, said Board of Health shall require such changes as it may deem necessary, so that the water furnished, or proposed to be furnished, may be pure and not a menace to the health of human beings. If, upon investigation, the State Board of Health determines that the water furnished, or proposed to be furnished, is not and would not be a menace to the health of human be-